

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DEBORAH A. ASHCRAFT,

Plaintiff,

-v.-

Civil Action No.  
7:05-cv-1342 (GLS/DEP)

COMMISSIONER OF SOCIAL SECURITY

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

CONBOY, MCKAY LAW FIRM  
307 State Street  
Carthage, New York 13619

LAWRENCE D. HASSELER, ESQ.

**FOR THE DEFENDANT:**

HON. GLENN T. SUDDABY  
United States Attorney for the  
Northern District of New York  
P.O. Box 7198  
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Syracuse, New York 13261

WILLIAM H. PEASE  
Assistant U.S. Attorney

OFFICE OF GENERAL COUNSEL  
Social Security Administration  
26 Federal Plaza  
New York, New York 10278

DENNIS J. CANNING, ESQ.

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed June 9, 2008. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

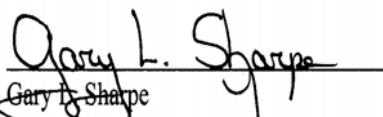
ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed June 9, 2008 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that plaintiff's motion for judgment on the pleadings is GRANTED, and it is further

ORDERED, that the Commissioner's determination of no disability is VACATED and the matter is REMANDED to the agency for further consideration.

IT IS SO ORDERED

Dated: July 28, 2008  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge